

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

FAYE D. WHITE

Plaintiff,

v.

DOVER DOWNS, INC.,

Defendant.

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Civil Action No. 07-719

ANSWER AND AFFIRMATIVE DEFENSES TO COMPLAINT

Defendant Dover Downs, Inc., by and through its undersigned counsel, responds to the Complaint as follows:

1. It is admitted that Plaintiff in this action seeks to challenge her termination of employment pursuant to Title VII of the Civil Rights Act of 1964. Dover Downs denies that any violation of any law has occurred. Defendant further admits that federal question jurisdiction exists by virtue of Title VII of the Civil Rights Act of 1964, but denies liability for the acts alleged.

2. Dover Downs is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 2.

3. Dover Downs admits that it regularly conducts business at 1131 North Dupont Highway, Dover, DE 19901.

4. Dover Downs admits that Plaintiff is a former employee of Dover Downs and that Plaintiff's Complaint alleges discrimination in her employment with Dover Downs, but denies liability for the acts alleged.

5. Denied.

6. Denied.

7. Dover Downs admits that Plaintiff filed a Charge of Discrimination with the Delaware Department of Labor and the Equal Employment Opportunity Commission (“EEOC”) on June 21, 2006. Dover Downs denies the remaining allegations in Paragraph 7.

8. Denied.

9. Dover Downs admits that the EEOC issued a Dismissal and Notice of Rights letter on August 8, 2007. Dover Downs is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 9.

10. Dover Downs admits that Plaintiff was terminated from employment with Dover Downs and that Plaintiff’s Complaint alleges discrimination in her employment with Dover Downs, but denies liability for the acts alleged.

11. Denied.

12. Dover Downs denies liability for the acts alleged in the Charge of Discrimination that Plaintiff filed with the EEOC.

13. Denied.

14. Denied.

WHEREFORE, Dover Downs requests that the Court dismiss the Complaint with prejudice and enter any further relief, including costs and attorneys’ fees to Defendant and against Plaintiff, as this Court deems appropriate.

FIRST AFFIRMATIVE DEFENSE

The Complaint fails to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

Plaintiff's claims are barred, in whole or in part, by the applicable statute of limitations.

THIRD AFFIRMATIVE DEFENSE

Some or all of Plaintiff's claims are barred because she failed to exhaust her administrative remedies.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the doctrines of waiver, estoppel and laches.

FIFTH AFFIRMATIVE DEFENSE

Dover Downs, at all times, acted in good faith and for legitimate, non-discriminatory, and non-retaliatory reasons.

SIXTH AFFIRMATIVE DEFENSE

Dover Downs would have taken the same personnel actions regarding Plaintiff irrespective of her sex and disability.

SEVENTH AFFIRMATIVE DEFENSE

Dover Downs based its actions on reasonable factors other than sex and disability.

EIGHTH AFFIRMATIVE DEFENSE

Dover Downs' actions or inactions were not the proximate, legal, or substantial cause of any damages, injury, or loss suffered by Plaintiff, the existence of which is denied.

NINTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred or offset by Plaintiff's failure to mitigate any claim for loss or damages.

/s/ Lisa Zwally Brown
R. Montgomery Donaldson (#4367)
rdonaldson@mmwr.com
Lisa Zwally Brown (#4328)
lzbrown@mmwr.com
MONTGOMERY, MCCrackEN,
WALKER & Rhoads, LLP
1105 N. Market Street, Suite 1500
Wilmington, DE 19801-1607
Tel: (302) 504-7800
Fax: (302) 504-7820

Dated: December 10, 2007

Attorneys for Defendant
Dover Downs, Inc.

CERTIFICATE OF SERVICE

I, Lisa Zwally Brown, hereby certify that on this 10th day of December 2007, I caused to be served a copy of Defendant Dover Downs, Inc.'s Answer and Affirmative Defenses to Complaint by United States first-class mail, postage prepaid, on the following:

Ms. Faye White
P.O. Box 1265
Dover, DE 19903

/s/ Lisa Zwally Brown
Lisa Zwally Brown (#4328)